Supreme Court, U. S.
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JAN 31 1979
MICHAEL RODAK, JR., CLERK

In The

Supreme Court of the United States

October Term, 1978

No. 78-1024

JEANETTE P. STRONGIN,

Appellant,

-against-

EWALD B. NYQUIST, Commissioner of Education of the State of New York, and BOARD OF EDUCATION OF THE SCHOOL DISTRICT OF THE CITY OF MOUNT VERNON,

Appellees.

SUPPLEMENT

STATEMENT AS TO JURISDICTION

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SUPPLEMENT TO JURISDICTIONAL STATEMENT

On or about December 12, 1978, petitioner filed with the Clerk of the Court a statement inadvertently titled "Appeal from the Court of Appeals of the State of New York". Inasmuch as no Notice of Appeal was filed with the Court of Appeals of the State of New York, the statement filed with this Court should have been titled "Petition

for a Writ of Certiorari to the United States Supreme Court".

This Court has jurisdiction pursuant to the provision of 28 USCS Section 1257(3), which provides as follows:

> "§1257. State Courts; appeal; certiorari
>
> Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court as follows:
>
> * * * * *
>
> (3) By writ of certiorari, where the validity of a treaty or statute of the United States is drawn in question or where the validity of a State statute is drawn in question on the ground of its being repugnant to the Constitution, treaties or laws of the United States, or where any title, right privilege or immunity is specially set up or claimed under the Constitution, treaties or statutes of, or commission held or authority exercised under, the United States."

This Court, pursuant to the provisions of 28 USCS Section 2103, has the

jurisdiction to treat the original statement as a petition for a writ of certiorari where, as in the instant instance, the statement to the Court was improvidently referred to as an appeal.

CONCLUSION

Based upon the foregoing, appellant respectfully requests that pursuant to the provisions of 28 USCS Section 2103, this Court treat petitioner's original papers as a petition for a writ of certiorari to the United States Supreme Court. In addition, based upon the facts and law as set forth in appellant's original statement, and pursuant to the provision of 28 USCS Section 1257(3), this Court grant appel-

lant's petition for a writ of certiorari.

Respectfully submitted,

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